

CITY OF MILFORD
REGULAR MEETING
DECEMBER 2, 2008
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Library Building in said City on the 2nd day of December 2008 at 7:30 pm. Present were: Mayor Dean Bruha; Council members: Jeff Baker, Rick Fortune, Jeff Heckman; Attorney Robert Blevens; Chief of Police Forrest Siebken; City Clerk Jeanne Hoggins. Also present: Terry Stutzman, Nancy Swarts, and Craig Bontrager.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

CALL TO ORDER: Mayor Bruha called the meeting to order at 7:32 p.m. Mayor Bruha publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act is available for review and is posted on the east wall of the Webermeier Community Meeting Room.

MINUTES: A motion was made by Baker and seconded by Fortune to approve the minutes of the November 4, 2008 meeting. Roll call vote: Baker yes, Fortune yes, Heckman yes. Motion carried.

PAYMENT OF BILLS, BOND PRINCIPAL AND INTEREST: A motion was made by Fortune and seconded by Baker that the following bills in the amount of \$63,949.32; Bond Principal of \$60,000.00; Bond Interest of \$20,120.00 and payroll in the amount of \$27,056.77 totaling \$171,126.09 approved by the Auditing Committee be approved for payment. Roll call vote: Fortune yes, Baker yes, Heckman yes. Motion carried.

SALARIES:

46947	Mark Frey	1403.62
46948	Forrest K Siebken	1332.26
46949	Mavis Lynn Ferris	60.49
46950	Jeanne M Hoggins	1321.58
46951	Gary Lee TeSelle	837.25
46952	Scott Dean Fosler	993.47
46953	Robert L Hull	856.57

46954	Beverly J Wehrs	566.15
46955	David R Dahle	996.05
46956	Bryce C Johnson	1001.25
46957	Philip Winkelmann	922.16
46958	George A Matzen	565.59
46959	Tracy L Yeackley	660.15
46960	Julia M Wang	247.82
46961	Rose M Kenney	87.73
46962	Courtney L Bashore	102.84
46963	Anna E Tremmel	72.59
46964	Tiffany Fougeron	308.20
46965	Benjamin L Rediger	671.58
47003	Mark Frey	1403.62
47004	Forrest K Siebken	1332.26
47005	Mavis Lynn Ferris	63.52
47006	Jeanne M Hoggins	1321.58
47007	Gary Lee TeSelle	900.59
47008	Scott Dean Fosler	1089.06
47009	Robert L Hull	1147.85
47010	Beverly J Wehrs	580.07
47011	David R Dahle	1035.67
47012	Bryce C Johnson	974.27
47013	Philip Winkelmann	1011.09
47014	George A Matzen	565.59
47015	Tracy L Yeackley	514.07
47016	Julia M Wang	232.00
47017	Courtney L Bashore	102.84
47018	Anna E Tremmel	108.88
47019	Tiffany Fougeron	256.11
47020	Benjamin L Rediger	671.58
47026	Joyce Elaine Plessel	184.70
47027	Ricky Gene Fortune	138.52
47028	Dean Alan Bruha	138.52
47029	Emerson L Neal	138.52
47030	Jeffrey M Baker	138.52
GENERAL FUND:		
46918	Felix Carranza – WA/SW Deposit Refund	19.00
46919	Sean Kremer – Lisa Steggal Deposit Refund	48.04
46920	U.S. Postmaster – Utility Billing Postage	166.64
46966	Ameritas – Pension	1646.15
46967	Amertias Group – Dental & Vision	1066.76

46968	Alltel – Cellular Bill	98.30
46969	Windstream – Long Distance for October	4.97
46970	Aramark – Pants & Rags	343.96
46971	Culligan – Soft Water	20.00
46972	Crete Glass Co – Repair Auto Doors	69.23
46973	Farmers Cooperative – Gas/Diesel for Oct, Tire Repair	892.73
46974	Diode Communications – Service for October	54.16
46975	Deep Rock – Drinking Water	9.36
46976	Eakes – Nameplate, Boxes	49.78
46977	InsureNebraska – City Clerk Renewal Bond	450.00
46978	The Garbage Co – Garbage Pickup	129.30
46979	Great Plains One-Call – Locate Requests	21.21
46980	Ikon Office Solutions – Additional Images	150.13
46981	EMC – Additional Premiums	131.00
46982	Midwest Heating & Air – Service & Equipment	288.00
46983	Milford Mini Mart – Brake Fluid	2.39
46984	Mutual of Omaha – Disability	79.33
46985	NE Dept of Revenue – Sales Tax for October	1825.60
46986	NAPA – Spark Plug, Charger, Bulbs	45.98
46987	NPPD – Service for October	4370.67
46988	NT&T – Service for October	419.00
46989	Black Hills Utility Holdings – Service for October	102.41
46990	Pizza Kitchen – Meals (10/27)	82.50
46991	Roxanne Roth – Cleaning Services	250.00
46992	Schlueter Repair & Specialties – Repairs & Welding	40.00
46993	Servi-Tech – Nitrogen, Wastewater Package	75.25
46994	Seward County Independent – Notice, Ordinances	141.07
46995	SPPD – Wells 1 & 2	429.82
46996	Shell Fleet Plus – Car Gas	14.23
46997	Shell Flee Plus – Gas for '08 Pickup	145.27
46998	Sunrise Country Manor – October Meals	1208.00
46999	Uribe Refuse Services – Garbage Pickup	37.00
47000	Wergins Lawn Service – Fert B St	23.00
47001	Windstream – Local/Internet, Library Phone	169.88
47002	Mutual of Omaha – Medicare Supplement – C TeSelle	455.58
47021	Ameritas – Pension	1646.15
47022	Aflac – Dis, Cancer, Acc, Suppl	399.96
47023	Coventry – Health Ins 12/1 – 12/31	9674.76
47024	Fort Dearborn – Life Insurance	116.96
47025	Shell Fleet Plus – Fuel Expense	552.49
47031	Ackerman Rock & Gravel – Rock	2557.32

47032	Atco International – Gel-O-Fresh	270.00
47033	American Chemicals – Asphalt	1320.25
47034	Blevens Law Office – Legal Services for Dec	350.00
47035	Scott Burroughs – EMS Food @ Kearney	169.04
47036	Bob’s Automotive – Motel, Meals, Mileage	501.87
47037	Sport Supply Group, Inc – Volleyball	50.99
47038	California Contractors – Respirator Valve	139.60
47039	City of Milford – Petty Cash (Postage)	36.00
47040	Data Technologies – Summit License	3109.93
47041	DEMCO, Inc – Labels	408.30
47042	Ed M Feld Equipment – Name Patch Bunker Gear	98.00
47043	EMP – Gloves, Shears, Penlights	562.53
47044	Fire Programs – One Year Support	295.00
47045	Fisher Scientific – Dipper Polyethylene	138.55
47046	Gerhold Concrete Co – Concrete	325.24
47047	Heiman Inc. – Boots, Freight	134.85
47048	EMC – Payroll Audit, Add on Antique Fire Truck	1132.00
47049	JEO Consulting Group – Safety Inspection	50.00
47050	John Deere Landscapes – Tension Idler Spring	2.07
47051	George Matzen – Computer Ram, Book Sets, DVDs	1164.24
47052	McCall’s Quilting – Subscription	38.98
47053	Marshall Cavendish – Books	9.68
47054	Milford A/C & Appliance – Repair & A/C	397.13
47055	Milford School Dist – Parking Fines & Tobacco Lic	55.00
47056	Milford Supermarket – Dog Food & Clorox	47.79
47057	Midwest Radar & Equip – 3 Radar Certifications	75.00
47058	Midwest Mailing Solutions – Repair Postage Machine	218.75
47059	MOMAR – Shop Towels	268.46
47060	Moore Wallace – Ticket Books	99.67
47061	Municipal Supply Inc – Socket, Valve Box, Coup	1340.79
47062	National Casualty Co – Premium Statement	737.08
47063	Nebraska Public Health – Coliform Test	32.00
47064	Nebraska Supreme Court – ’08 Session Laws, Suppl	120.40
47065	Office Depot – Batteries, Blank CD/DVDs	115.45
47066	Orscheln – Cord, Tarp, Wire	60.36
47067	Roxanne Roth – Cleaning Services	250.00
47068	Meyer Ford – Unit #1 Repair	171.21
47069	Stutzman Digging – Work on Storm Sewer	18156.60
47070	Union Bank – Gary TeSelle Acct	300.00
47071	Windstream Nebraska Inc – Civil Defense Phone	89.24
47072	Local Insight Yellow Pages – Directory Advertising	14.60

47073	Ralph Ebers – Refund Library Rent	35.00
47074	Cat Construction – New Door & Installation	564.33

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Aging Services Commission minutes for October 25, 2008 and November 25, 2008; Swimming Pool Board minutes for November 18, 2008; Housing Authority minutes for October 9, 2008 and November 13, 2008; Fire Department minutes for September 9, 2008 and October 14, 2008; Police Dept. Activity Report for November 2008; MVFD Rescue NARSIS report for November 2008. *Baker – The furnace went out on the library side of the Webermeier Bldg. last Wednesday. There was a concern of carbon monoxide so the library was closed. It has been repaired and the library will re-open tomorrow (12/3/08). Baker added an agenda item to the December 8, 2008 meeting. *Chief Siebken reported on November’s activity.

COMMUNICATIONS: *Sales tax received for the month of September 2008 was \$12,495.11. *NPPD Lease Agreement payment for the third quarter 2008 received in the amount of \$49,025.01.

UNFINISHED BUSINESS:

Introduction and Adoption of Ordinance – Pit Bulls: Nancy McGill arrived. Discussion was held regarding the ordinance presented by Attorney Blevens. The ordinance defines a dangerous dog as any “Pit Bull Terrier”. Blevens added paragraph (d) to the current section of the Municipal Code 6-116 to define a “Pit Bull”. Chief Siebken was aware of 2 pit bulls currently in the city limits. This ordinance will not ban a pit bull from the City limits. It was suggested to add verbiage regarding an age requirement when handling a pit bull off of the owner’s premises. Use of a muzzle was also suggested. Blevens noted that the Council would need to add a section to the code book with these requirements. Other areas of discussion were: liability insurance, length of leash and violation fees. An ordinance will be presented at a special meeting in December to finalize the requirements of pit bulls. Item tabled.

Research on Appointed Positions: Blevens referenced several sections of the Nebraska statutes pertaining to appointed officials. Section 17-107 and Section 1-201 define the Mayor’s ability to appoint officials with the consent of the Council and also removal of an appointed official. The term of the appointment can be decided by the Mayor. Sections 1-203 through 1-210 state which officials are subject to appointments.

NEW BUSINESS:

Notice of Council Vacancy: Mayor Bruha announced the vacancy of a council member for Ward I. The unexpired term is for a 2 year period from December 1, 2008 to November 30, 2010. Applications will need to be

submitted to the City Clerk. A special meeting will be held on December 16, 2008 to fill the position.

Appointments: A motion was made by Fortune and seconded by Heckman to approve the Mayor's recommendation to appoint Forrest Siebken as the Chief of Police for a 1 year term. Roll call vote: Fortune yes, Heckman yes, Baker yes. Motion carried.

A motion was made by Heckman and seconded by Fortune to approve the Mayor's recommendation to appoint Jeanne Hoggins as the City Clerk/Treasurer for a 1 year term. Roll call vote: Heckman yes, Fortune yes, Baker yes. Motion carried.

A motion was made by Fortune and seconded by Baker to approve the Mayor's recommendation to appoint Mark Frey as the Maintenance Superintendent for a 1 year term. Roll call vote: Fortune yes, Baker yes, Heckman yes. Motion carried.

Update from Pool Board on fundraising for Pool Improvements: Pool Board Chairman Craig Bontrager updated the Council on their plans for improvements to the pool. Ken Koch assessed the pool and said that it was in really good shape. Surrounding communities have made improvements or expansions to their pools. The first step of fundraising efforts will be geared towards play equipment for the baby pool. Pool equipment is quite expensive so the Pool Board would like to look at improvements in stages. The first effort for fundraising will take place on Monday, January 19, 2009 when the Harlem Ambassadors will bring out their basketball team and compete against a home town team. Admission will be taken at the gate. The goal for the first stage of pool improvements will be to raise between \$5,000 - \$7,000. Future improvements could take the next 10 years to accomplish but the Pool Board is anxious to work towards their goals/dreams. The Council commended Craig and the Pool Board for their efforts.

Continuation Order 2nd Semester – Webermeier Scholarships: Hoggins reported 26 scholarship recipients receiving \$384.62 each for the second semester. A motion was made by Fortune and seconded by Heckman to approve the continuation orders of the second semester for the Webermeier Scholarships. Roll call vote: Fortune yes, Heckman yes, Baker yes. Motion carried.

Contract/Agreement to purchase sewer manhole, clean-out and sewer line to main from Terry Stutzman: Fortune reported that there are 3 individuals who went together to construct and share the cost of placing a sewer line and manhole to service their homes. Each party shared a cost of \$1900.00. Fortune expressed his reasoning for reimbursing these individuals as the City would have had to provide sewer after the annexation. The

Council asked Terry Stutzman if he has an easement agreement with the golf course. Stutzman noted each individual has a personal written agreement. The City will need to have the easement transferred into their name prior to purchase. Baker questioned Blevens, if 1 or 2 parties would sign over the line and the 3rd decided not to, could the City still maintain the line. Blevens answered yes. The equipment under consideration to purchase is 400' of sewer line from the City's sewer loop to the manhole and the manhole itself. Fortune still needs to make contact with a couple of the individuals, item tabled.

Water and Sewer Delinquent Accounts: Hoggins presented a list of unpaid water/sewer accounts that have been considered uncollectible and on the books for some time. After the audit Accountant Dennis Kubicek suggested cleaning up the old unpaid balances and writing them off. A motion was made by Fortune and seconded by Baker to write-off the delinquent accounts as requested by Accountant Dennis Kubicek. Roll call vote: Fortune yes, Baker yes, Heckman yes. Motion carried.

ADJOURNMENT: A motion was made by Fortune and seconded by Baker to adjourn the meeting. Roll call vote: Fortune yes, Baker yes, Heckman yes. Motion carried and meeting adjourned at 8:45 pm.

Jeanne Hoggins, City Clerk

Dean A. Bruha, Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on December 2, 2008 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

(SEAL)

Jeanne Hoggins, City Clerk